

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LOCKHEED MARTIN TRANSPORTATION :
SECURITY SOLUTIONS,

Plaintiff, : ORDER

-v.- :
-----X

MTA CAPITAL CONSTRUCTION COMPANY, :
-----X

Defendant. :
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>2-27-12</u>

This document also applies to: 09 Civ. 6033

GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

The Court is in receipt of letters dated February 6, 22, and 27, 2012, from defendant and letters dated February 14 and 24, 2012 from plaintiff. The Court finds the issues have been adequately addressed in the letters and thus no further briefing or argument is required.

The Court cannot say that the discovery sought by defendant falls outside the scope of relevance within the meaning of Fed. R. Civ. P. 26(b)(1).¹ Nor, given the breadth of this case, should the 10-deposition limit contained in Fed. R. Civ. P. 30(a) (2)(A)(i) bar additional depositions. Finally, the Court has not been convinced that the testimony sought has already been provided by other witnesses in this case.

Given that defendant is indifferent as to the manner in which the discovery sought is to be provided, plaintiff is directed to inform defendant promptly as to which of the two choices proffered by defendant it elects: (1) the depositions of Bradley D. Lovitt and Fred Robinson or (2) a Rule 30(b)(6) deposition on all the topics contained in defendant's notice.

If plaintiff chooses the depositions of Mr. Lovitt and Mr. Robinson, it shall either produce these individuals for deposition or shall provide defendant with all available information as to how they may be subpoenaed.

¹ Obviously, this ruling should not be construed as bearing on the admissibility of the testimony.

SO ORDERED.

Dated: New York, New York
February 27, 2012



GABRIEL W. GORENSTEIN
United States Magistrate Judge